

16. (New) The system of claim 15 further comprising:
the first switching point to manage service level agreements (SLAs) specifying a minimum data rate for packets corresponding to the SLA; and
the second switching point to manage SLAs specifying a minimum data rate for packets corresponding to the SLA, and transmit packets from the second switching point in accordance with the SLA;
wherein the second switching point to reduce the data rate comprises the second switching device to reduce the data rate for packets corresponding to a specific SLA indicated in the message received from the first switching point.

17. (New) The system of claim 16 wherein the second switching point reducing the data rate includes the second switching point to reduce the data rate to the minimum data rate specified by the corresponding SLA.

18. (New) The system of claim 16 wherein the second switching point reducing the data rate includes the second switching point to reduce the data rate to below the minimum data rate specified by the corresponding SLA.

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application. Claim 1 has been amended. Claims 2-4 have been cancelled. Claims 5-18 have been added. Therefore, claims 1 and 5-18 are pending.

Objection to the Drawings

The Office Action states that Figures 1-3 should be designated by a legend, such as --Prior Art-- to conform to MPEP § 608.02(g). Proposed drawing corrections have been

included, with proposed corrections made in red. Formal drawings, including the proposed corrections, will be provided after approval of the drawing corrections. Therefore, Applicants respectfully request that the objection to the drawings be withdrawn.

Claim Objections

Claim 1 was objected to because "the data rate" in line 9 was found lacking sufficient antecedent basis. Applicants submit that this objection has been overcome by the amendments to claim 1. Therefore, Applicants respectfully request that the objection to claim 1 be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,333,917 B1 issued to Lyon et al. (*Lyon*). For at least the reasons set forth below, Applicants submit that claim 1 is not anticipated by *Lyon*.

Claim 1 as amended recites the following:

A method of controlling congestion in a network having a plurality of switching points, comprising:
receiving a message from a **first switching point at a second switching point to indicate that traffic between a source and a destination** is congested;
and
reducing a data rate at which packets destined for the destination are output from the second switching point in response to receiving the message.

Thus, Applicants claim sending a message from a first to a second switching point to indicate traffic congestion of traffic destined for a destination, and the second switching point reducing a data rate at which packets are output from the second switching point.

Lyon discusses marking packets for transmission to a destination device when congestion is detected. In response to receiving marked packets, the destination sends feedback to the source, and the source reduces the rate of transmission to reduce congestion. See col. 5, lines 59 to 65; col. 6, lines 23 to 30. Thus, *Lyon* discusses sending a message from a first device to a

second device to slow transmission to the first device. By contrast, Applicants claim a first device sending a message to second device to slow transmission to a third device. Therefore, *Lyon* does not anticipate the invention as claimed in claim 1.

New Claims

Applicants submit that new claims 5-18 are allowable as written. Claims 5-8 depend from claim 1. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants submit that claims 5-8 are not anticipated by *Lyon* for at least the reasons stated above with respect to claim 1.

New claims 9, 14, and 15 recite similar limitations as claim 1, specifically reciting a first and a second switching point, the second switching point to reduce a data rate at which packets are output from the second switching point. Thus, Applicants submit that claims 9, 14, and 15 are not anticipated by *Lyon* for at least the reasons stated above with respect to claim 1.

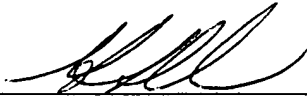
Claims 10-13 depend from claim 9. Claims 16-18 depend from claim 15. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants submit that claims 10-13, and 16-18 are not anticipated by *Lyon* for at least the reasons stated with respect to claims 9 and 15, respectively.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1 and 5-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number
02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Gregory D. Caldwell
Reg. No. 39,926

12400 Wilshire Blvd., 7th Floor
Los Angeles, CA 90025-1026
Telephone: (503) 684-6200

AMENDMENTS WITH MARKINGS

IN THE CLAIMS

1. (Amended) A method of controlling congestion [on] in a network having a plurality of switching points, comprising[the steps of]:

[sending, by a first switching point,] receiving a message [to] from a first switching point
at a second switching point[, indicating] to indicate that traffic between a source [packet] and a destination [packet switch] is congested; and

reducing[, by said second switching point, the] a data rate at which packets destined for [said] the destination [packet switch] are output from [said] the second switching point in
response to receiving the message.